

Appl. No. 10/709,604  
Amdt. dated March 24, 2006  
Reply to Office action of January 18, 2006

## REMARKS

### Present Status of Application

5        The Office Action rejected all claims 1-8. Specifically, claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eum (US Patent Number 6,928,045), in view of Yeh (US Publication Number 2002/0191531).

10       Applicants have amended independent claims and respectfully traverse the rejection and request reconsideration of all rejection claims.

### Discussion of Office Action Rejections

#### **Rejection of claims 1-8 based on 35 U.S.C. 103(a)**

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The rejection of claims 1-8 under U.S.C. 103(a) as being unpatentable over Eum (US Patent Number 6,928,045) in view of Yeh (US Publication Number 2002/0191531) has been carefully considered but is most respectfully traversed in view of the amendments of the claims.

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Independent claim 1 (as amended) recites:

1. A floating-type clamping mechanism for use in an optical disk drive comprising:

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a clamping body;  
a clamping yoke comprising a first central hole;  
a central clamping element comprising a prominent part;  
a magnetic element attracted to the clamping yoke and comprising a second central hole, wherein the prominent part passes through the second central hole

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and the central clamping element is clamped by the clamping yoke and the magnetic element; and

a plurality of elastic elements, wherein two ends of each elastic element are fixed to the clamping body and the clamping yoke respectively.

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The Office Action alleges that Eum et al disclose a floating-type clamping mechanism for used in an optical disk drive comprising: a clamping body (figure 3, item 141); a clamping yoke comprising a first central hole (figure 3, item 145); a central clamping element for combining with the clamping yoke by passing through the first central hole (figure 3, item 132); and a magnetic element comprising a second central hole for holding the central clamping element and combining with the clamping yoke (figure 3, item 144).

The Office Action also alleges that Eum fails to disclose a plurality of elastic elements fixed to the clamping body and the clamping yoke. But, Yeh et al disclose a plurality of elastic elements fixed to the clamping body and the clamping yoke (figure 3, item 42). Therefore, it would have been obvious to one of ordinary skill in the art as the time the invention was made to provide Eum with elastic members, as taught by Yeh et al, in order to provide the clamping device with a variable clamping force.

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However, Applicant does not agree, and the rejection is moot in view of the amendment to claim 1.

First, according to the cited reference to Eum et al (US patent number 6,928,045), as the Office Action alleges, it fails to disclose a plurality of elastic elements connected to the clamping body and the clamping yoke. Besides, in the Office Action, it points out that the item 132 shown in figure 3 is a central clamping element in claim 1. However, actually, the item 132 shown in figure 3 is a boss, which is a part of a turntable (item 131,

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figure 3) not an element of the floating-type clamping mechanism. Therefore, it is improper to take the boss (item 132) of the turntable as a central clamping element of a clamping mechanism as claimed in claim 1.

5        Further, the yoke (item 145) and the magnetic element (item 144) taught by Eum et al are attracted together directly and installed between a upper and a lower clamping holders (items 142 and 143). In contrast, as amended, independent claim 1 defines a floating-type clamping mechanism comprising a clamping yoke, a magnetic element, and a central clamping element, wherein the magnetic element attracts to the clamping yoke and  
10        clamps the central clamping element with the clamping yoke.

Therefore, Eum et al not only fail to disclose a plurality of elastic elements, but also fail to disclose a central clamping element as claimed in claim 1.

15        Second, according to the cited reference to Yeh et al (US Publication Number 2002/0191531), the clamping mechanism taught by Yeh et al is a fixing-type clamping mechanism, not a floating-type clamping mechanism. Yeh et al fail to disclose at least the elements about a clamping yoke attracted to the magnetic element and a central clamping element clamped by the clamping yoke and the magnet element as claimed in  
20        claim 1.

Further, one end of the resilient member (item 42, figure 3) taught by Yeh et al is placed on the magnet (item 40), and the other end of the resilient member is in contact with a stop member (item 44) and can be moved on the surface of the stop member. So  
25        that, when the spindle motor is accelerated, the mass (item 43) attached on end portion of the resilient member is subjected to more centrifugal force and the outer edge of the resilient member is forced to move outward along radial direction, as shown in FIG. 4 and mentioned in paragraph [0024].

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In contrast, the independent claim 1, as amended, defines a plurality of elastic elements, and two ends of each elastic element are fixed to the clamping body and the clamping yoke respectively..

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Therefore, Yeh et al fail to teach a plurality of elastic elements as claimed in claim 1, and one of ordinary skill in the art at the time the invention was made could not be taught by Yeh et al to provide elastic elements as claimed in claim 1.

10 For as least the reasons, claim 1 patently defines over the cited arts and should be allowed. Moreover, since claims 2-4 depend from claim 1, they patently define over the cited arts for at least the same reasons.

15 Further, independent claim 7 (as amended) recites:

7. A floating-type clamping mechanism for use in an optical disk drive comprising:

a magnetic element;

a clamping yoke attracted to the magnetic element; and

20 a clamping body comprising a central clamping element and a plurality of cantilevers, wherein the cantilevers is stretched from the clamping body and connected to the central clamping element,

wherein the central clamping element is clamped between the magnetic element and the clamping yoke.

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Applicants have amended the independent claim 7 to more clearly define the claims over the cited references. More specifically, Applicants have amended claim 7 to define that the clamping body comprises a plurality of cantilevers which is stretched from the

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clamping body itself, and the central clamping element is clamped between the magnetic element and the clamping yoke.

As mentioned above, both the cited references taught by Eum and Yeh fail to  
5 disclose a central clamping element, which is clamped by the magnetic element and the clamping yoke, and a plurality of cantilevers, which is stretched from the clamping body.

For as least the reasons, claim 7 patently defines over the cited arts and should be allowed. Moreover, since claim 8 depends from claim 7, they patently define over the  
10 cited arts for at least the same reasons.

Therefore, both cited references of Eum and Yeh fail to disclose all of the claimed limitations in the present invention, and it is most respectfully requested that this rejection be withdraw.  
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Claims 5 and 6 are canceled without prejudice.

#### Conclusion

20 Accordingly, Applicants respectfully submit the claims 1-8 to overcome the rejection under 35 U.S.C. 103(a). Specifically, the present application cannot be anticipated by Eum and cannot be obvious by further view of Yeh. In view of foregoing, it is believed that all pending claims are in proper condition for allowance.

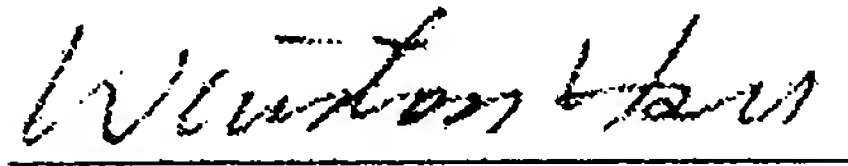
25 No fee is believed to be due in connection with this amendment and response to Office Action.

In view of the above comments and further amendments to the claims, favorable

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reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

5 Sincerely yours,



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Winston Hsu, Patent Agent No. 41,526

10 P.O. BOX 506, Merrifield, VA 22116, U.S.A.

Voice Mail: 302-729-1562

Facsimile: 806-498-6673

e-mail : winstonhsu@naipo.com

15 Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan.)